1 2 3 4	David P. Morales, Esq., SBN 191229 THE MORALES LAW FIRM 1414 Soquel Avenue, Suite 212 Santa Cruz, CA 95062 Telephone: (831) 429-7900 Facsimile: (831) 786-8800 E-Mail: moraleslaw@sbcglobal.net		
5	Attorney for Plaintiff, Marilyn Churchill		
6	UNITED STATES DISTRICT COURT		
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
8	SAN FRANCISCO DIVISION		
10	MARILYN CHURCHILL, an individual,	Civil Action No.: C07-003007 MMC	
11	Plaintiff,	DECLARATION OF DAVID P. MORALES	
12	vs.	IN SUPPORT OF STIPULATED MOTION TO AMEND SCHEDULE	
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14	JOHN BARGETTO, in his individual and official capacities; BARGETTO'S SANTA	Hearing Date: April 11, 2008 Time: 9:00 a.m.	
15	CRUZ WINERY, a California Corporation; and DOES 1 through 100, inclusive,	Courtroom: 7, 19 th Floor	
16	Defendants.	Judge: Hon. Maxine M. Chesney	
17		Trial Date: September 8, 2008	
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19	<u>DECLARATION</u>		
20	I, David P. Morales, declare:		
21	1. I am a member of this Court and the	of this Court and the attorney of record for Plaintiff MARILYN	
22 23	CHURCHILL, a party to the above action.		
24	2. In January 2008, the parties were working diligently to resolve discovery disputes		
25	between them involving hundreds of pages of discovery objections and other discovery issues, so they could proceed with their deposition discovery in preparation for scheduled		
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27	mediation in March 2008. Unfortunately, I received word that my father suddenly passed		
28	away in late January 2008. As a result, I had to promptly leave town to assist my family in		
	Southern California.		
	DECLARATION OF DAVID P. MORALES IN SUPPORT OF STIPULATED MOTION TO AMEND SCHEDULE		

- 3. Due to the suddenness of this unfortunate event and the needs of my mother, I was involuntarily unavailable for a period of approximately three weeks in February 2008. As a result, my professional schedule was adversely impacted in this matter, and, also in other professional matters pending concurrently. As a result, work which had been scheduled for that time period has been postponed to, and superimposed upon additional legal work I had previously scheduled for March. I am diligently working to resolve the remaining discovery disputes and to complete discovery in this matter. However, I effectively lost the month of February, and will need at least the month of March to complete necessary work in this and his other pending litigation. As a result, the parties agree that the existing schedule will not permit us to fully resolve our discovery disputes and timely complete our discovery.
- 4. Upon my return to the office in late February, the parties cooperated with one another to ensure the completion of pending discovery, and, on February 29, 2008, filed a joint Stipulation to Continue Discovery Deadlines for that purpose. On March 4, 2008, the Court denied the parties' stipulation to extend the discovery deadlines due to its apparent impact on the remaining schedule. Unfortunately, given the extensive discovery previously initiated and the substantial discovery disputes still pending resolution, it does not appear that such discovery can be properly completed on the present schedule. Granting of this motion will be in the furtherance of justice as it will permit the parties to resolve their extensive discovery disputes and properly complete their pending discovery so that this matter may be fully tried on its merits. The requested relief will also avoid manifest injustice in that it will permit this action to be decided on its merits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 7, 2008.

> By: /s/ David P. Morales **DAVID MORALES**

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TION OF DAVID P. MORALES IN SUPPORT OF STIPULATED MOTION

Case 3:07-cv-03007-MMC Document 26 Filed 03/10/2008 Page 3 of 3 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document. Dated: March 8, 2008 TINGLEY PIONTKOWSKI LLP By: /s/ Bruce C. Piontkowski BRUCE C. PIONTKOWSKI Attorneys for Defendants